11 January 1977

MEMORANDUM FOR: Chief, SE Division

ATTENTION : Division Security Officer

FROM : 03 Thomas L. Briggs
SE/X/LA

SUBJECT : Appearance As Witness In Behalf of the United States Government

REFERENCE : USA V. Gerald P. Hemming, Et Al. (76-371-CR-CA)

1. During the period of my employment as a Special Agent at the Drug Enforcement Administration (July 1974 - Jan 1977), I conducted an interview of Gerald Patrick Hemming (DPOB 1 March 1937, at Los Angeles, California) on 23 May 1975 at DEA Headquarters in Washington, D.C. My report concerning that interview has become part of the case file in USA v. Gerald P. Hemming, Et Al., Case Number 76-371-CR-CA, Southern District of Florida, Miami, Florida.

2. Upon my entrance on duty in SE Division on 5 January 1977, I orally informed the Division Security Officer, Billy Hix, about the information in paragraph 1 above. Mr. Hix asked me to submit the information in writing as soon as I was settled in the Division. On 7 January 1977, however, Special Agent Robert Fredericks telephonically contacted 03 Hope Mason, DC/SE/X/LA, and told her that the United States Attorney, Southern District of Florida, had requested that I appear at the U.S. Courthouse, Miami, Florida on 10 January 1977 to confer with the Assistant United States Attorney, Karen L. Atkinson, regarding my appearance as a witness in behalf of the U.S. Government in the trial of Gerald P. Hemming.

3. During the afternoon of 7 January 1977 I conferred with Mr. Hix who advised me to contact the Office of the General Counsel. I talked to Mr. Edmund Cohen who advised me to get in touch with the Office of Security, External Activities Branch (OS/EAB). I completed an Outside Activity Approval Request (Form 879), obtained the concurrence of DC/SE, Mr. John Stein, and submitted the Form 879 to OS/EAB. OS/EAB sent me to Central Cover Staff (Mr. Blandford) and then to the Office of the General Counsel. After discussions with Mr. Cohen, I called

S/A Fredericks in Miami at Mr. Cohen's suggestion. S/A Fredericks was not available. Mr. Cohen then advised me to return to my office and he would contact me with further instructions. Mr. Cohen retained the Form 879. Subsequently, Mr. Cohen advised me that I should travel to Miami as requested and that CIA would reimburse me for expenses connected with my activities in behalf of the U.S. Government. He further advised me that being in an overt cover status I should state, if asked under oath, that I am currently a CIA employee.

4. On 10 January 1977 I traveled to Miami where I met and conferred with AUSA Karen Atkinson and DEA S/A Robert Fredericks. They informed me that Gerald P. Hemming's case had been severed and his trial would not begin on 11 January. AUSA Atkinson told me she wanted me as a rebuttal witness if Gerald P. Hemming presented the defense that he had been working at the direction of DEA. She said they would not call me until and unless that defense was presented. She also said that she felt that any attempt to question me concerning my current place of employment was irrelevent and she would object to any such line of questioning. She said she would only ask me where I was employed at the time I interviewed Hemming. I returned to Washington D.C. the same day.

03

Thomas L. Briggs

Distribution:

1 - CCS
1 - OS
1 - OGC

4/PJ

14-00000

SECRET

16 January 1978

MEMORANDUM FOR THE RECORD

FROM: Edmund Cohen
Assistant General Counsel

SUBJECT: U.S. v. Hemming

1. On 22 November 1977 the undersigned accompanied by Messrs. Thomas Briggs, Gary Mattocks and Robert Barteaux, travelled to Miami to confer with Judge Hoeveler, and Assistant U.S. Attorney Thomas M. Sherouse, U.S. District Court, Southern District of Florida, about subject case. Messrs. Briggs and Mattocks had dealt with Mr. Hemming while they were employed by the Drug Enforcement Administration and Mr. Sherouse wanted them available as rebuttal witnesses. Mr. Barteaux also was sought as a possible rebuttal witness to describe the Agency's relationship with Mr. Hemming in the event that Hemming raised a CIA defense.

2. On 23 November Mr. Briggs, Mr. Barteaux and the undersigned met in chambers with Judge Hoeveler, Mr. Sherouse, Mr. Roger Howard, law clerk to Judge Hoeveler, and Mr. Ted Sakowitz, Public Defender for the Southern District of Florida. Mr. Sherouse decided that Mr. Mattocks would not be required to testify and he did not attend the meeting. The Judge initially expressed some reluctance to have an ex parte conference because Mr. Hemming had assumed primary responsibility for his own defense with only limited assistance from the Public Defender. The Judge insisted that a transcript of the meeting be made but he promised that the transcript would be sealed and, in fact, would not be transcribed.

3. The undersigned indicated that the Agency had no interest in the outcome of the case and interposed no objection to the introduction of any relevant information. Our sole concern was to protect Mr. Briggs and his relationship with CIA both before and after his DEA employment. The Judge was informed that Mr. Briggs sole connection with Hemming was on 23 May 1975 and that he had no contact with Hemming during any period of Agency employment. The national security consequences of exposure of Mr. Briggs as well as the career consequences were outlined. In addition, the Judge was informed that Mr. Barteaux was prepared to testify as an overt Agency employee about any relationship between Hemming and CIA.

SECRET

E-2 IMPDET CL BY 035114

4. Judge Hoeveler asked Mr. Sakowitz to cross-examine Mr. Briggs to determine whether he had any information which might be relevant to Hemming's defense. Mr. Sakowitz stated that although he was aware that Mr. Hemming wished to call Mr. Briggs as a witness, he was not fully informed of all aspects of the case and, therefore, reluctant to question Mr. Briggs. Thereupon, Judge Hoeveler, swore in Mr. Briggs and proceeded to ask him a series of questions to determine whether Mr. Briggs' interaction with Mr. Hemming had been in any way connected with his CIA employment. At the conclusion of this examination the Judge gave Mr. Sakowitz a second opportunity to question Mr. Briggs and when Mr. Sakowitz again declined, he stated that in light of the national security consequences which had been brought to his attention he was not inclined to permit questions relating to Mr. Briggs' CIA employment.

5. At the conclusion of the conference in chambers, but before the jury was admitted into the courtroom, Mr. Sherouse informed Mr. Hemming that Mr. Briggs was available as a witness. When the trial proceeded Mr. Hemming concluded his defense without calling Mr. Briggs. Mr. Sherouse, however, did call Mr. Briggs as a rebuttal witness. On cross-examination Mr. Hemming asked Mr. Briggs whether he was with CIA. Mr. Sherouse promptly objected to the question, the Judge sustained the objection and Mr. Hemming went on to the next question. The trial concluded soon afterwards without Mr. Barteaux being called as a witness. It was subsequently learned that Mr. Hemming was found guilty as charged.

Edmund Cohen

EC:jz
Distribution:
Original - LITIGATION-CRIMINAL, Hemming Gerald P.
1 - EC Signer
1 - Chrono

14-00000

CLASSIFY AS APPROPRIATE

OUTSIDE ACTIVITY APPROVAL REQUEST

COMPLETE AND FORWARD ORIGINAL AND 2 COPIES TO EXTERNAL ACTIVITIES BRANCH

TO :	DIRECTOR OF SECURITY; ATTN: EXTERNAL ACTIVITIES BRANCH	DATE 7 Jan 77
THRU:	*(Staff, division or office head and security officer, where assigned)* SE Division Security Officer	

FROM:	NAME AND GRADE OF EMPLOYEE (*Print or type*)	COMPONENT	ROOM NO. AND BLDG.	PHONE
	03 (CLIGGS, Thomas) [illegible] [illegible]	[illegible]	[illegible] 5229	[illegible]

1. FULL DESCRIPTION OF OUTSIDE ACTIVITY FOR WHICH APPROVAL IS REQUESTED INCLUDING NAMES OF ORGANIZATIONS OR INDIVIDUALS CONCERNED. DATES. LOCALE. ETC. (*Refer to HR 10-7 before completing*)

03

On 7 January 1977 at approx. 1130 hrs. [illegible] informed by my supervisor, (Hope) [illegible] that she had been telephonically contacted by a Mr. [illegible] of [illegible] in Miami, Florida ([illegible]) and told that [illegible] wants me to travel to Miami to attend a pre-trial conference on [illegible] 10 January in order to prepare for possible appearance as a witness for the [illegible] against Gerald Patrick [illegible].

I consulted with the SE Division Security Officer who advised me to contact the OGC. At approx. [illegible] hrs this date I talked to the [illegible] who advised me to contact the Office of Security, External Activities Branch.

2. REMARKS BY REQUESTOR

IN ENGAGING IN THE REQUESTED ACTIVITY, I WILL MAKE NO REFERENCE TO OR DISCUSS MY CIA ASSIGNMENTS OR DUTIES. I (WILL, WILL NOT) BE IDENTIFIED AS EMPLOYED BY CIA FOR THE FOLLOWING REASONS:

I was a CIA employee from Jan 69 to [illegible] prior to transferring to [illegible]. I was under cover at that time. I have not yet been put under cover since my [illegible] (3Jan77).

[illegible signature]
SIGNATURE OF REQUESTING EMPLOYEE

3. COMMENTS AND CONCURRENCE OF STAFF, DIVISION OR OFFICE HEAD

CONCUR: ______________ ______________________
DATE SIGNATURE OF OPERATING OFFICIAL

FOR COMPLETION BY EXTERNAL ACTIVITIES BRANCH AND RETURN OF ORIGINAL TO EMPLOYEE

DATE:

SECURITY APPROVAL HAS BEEN (GRANTED, DENIED) FOR THE ACTIVITY CONTEMPLATED BY THIS REQUEST.

3/[illegible] (FOR) CHIEF, SECURITY SUPPORT DIVISION

FORM 970 USE PREVIOUS

CLASSIFY AS APPROPRIATE

14-00000

9/7 Mo Sovereign - discuss Sherouse call re Q Doc & re DCD contacts of on Driggs - he to ck Bob Borteaux to be ready to testify.
Info Processing section.
MFR on Q Doc
9/6 Spoke w/ Tom Sherouse 305 350 5449
Trial 25 Oct.

10/3 Ucked w/ Sherouse still is scheduled for 25 Oct - but calendar call set for 20 Oct Thurs Cal[ready] Call Will call bk on 21 Oct to see where stand

10/25 Spoke w/ Sherouse Hemming case is #8 on Judges calendar
now on case # 1
earliest is late Next wk at earliest
Hemming - will be own lawyer

11/15 Spoke w/ Sherouse sch for 16 Nov & needs us Bartaux, Briggs[03], Maddox & Q for rebuttal case thinks Fri late AM but to call on 16th to check.
11/15 Meet w/ Mo S. (Briggs[03]) Maddox, Barteaux review Sherouse statement, ck on why left agency & why returned, what doing. Later meet w/ Mo & Barteaux - get DDO (official) view re impact of public exposure on (Briggs[03]) & Maddox & briefs review w/ Barteaux all records on Hemming.
reserve for Fri EA 195 Not 1 space 9:00 - same 11:20

11/17 - Called off - for now

3/PV

14-00000

9318 (119 Evans St)
Rockville Md 20850
(340 8186)

~~Tom~~ [Tom Briggs] ~~1969~~

1. empl & cover

a Jan 69 — May 74 CIA — Army & Air (Amer) - Army "overseas ops" clandestine

b. 4 May 74 — ~~1~~ Jan 77 DEA

c ~~8~~ 8 Jan 77 — No cover, State cover

2. only contact w/ Hemmi -
23 May 75

3. Henry — to DC — to see Conein - urge to
Conein told see Tom -

4 ~~Now~~ Sov — target recruitments
Why w/ 2 Sov KGM meeting in true name

from 50 — resigned - law enforcement
& CIA cont — no contact, recruits

3/[illegible]

14-00000

(Gerald P. Hemming) S.D of Fla.

US vs Hemming Case No 76-71-Cr-CA Judge Hoeveler

P.O. Bldg & Ct House 300 N.E. First Ave. Miami Florida

1st Ave 3 St

Mezzanine Floor 350-4136

Thomas M. Sherouse Ast US Attorney (305) 350 5449 or 4471

Sec Mary Jones 300 Ainsley Bldg. hm 856 2285

14-00000

1819

521 Florida Ave apt 104
Herndon Va 22070

Barry Maddox — 437 8958

1. empl - cover
✓ CIA — 69 - 73 — Army Cover — Vt [illegible]
— DEA Aug, 73 (Sept) ——— 26 Feb 77 (comm cover)
✓ CIA 27 Feb 77 — open 5-6 wks then
State Cover now Cuban grs - cater people [illegible]

2. { no later than Dec 76 contact w/ Maddox
none since back w/ CIA —
no contact before DEA
never personal contact only through DEA contact

3. rel w/ Hemming met under cover re purchase of narcotics
in Miami and, [illegible] re [illegible]
a) [illegible] exchange sold gun of silenced rifle 3) [illegible] re Caveman envelope

4 — — Cuba grs —

ck Mc — [illegible] LD Mce [illegible] JCD?

Denny Oct 25 2 wk trial

— Jan 62 submitted application for empl —

1) on 21 June 62 informed No position avail for him in Agency

2) Records do not reflect he ever employed in any capacity or used as agent.

but records do show Denny has falsely claimed assoc with agency on several occasions since 1960

3. In Oct 60 3 [illegible] in [illegible] 1961, 1 [illegible] 1967, 3 in 1970 [illegible] after 23 Aug 70

on these occasions Denny came forward to volunteer info which he thought might be of value & info [illegible]

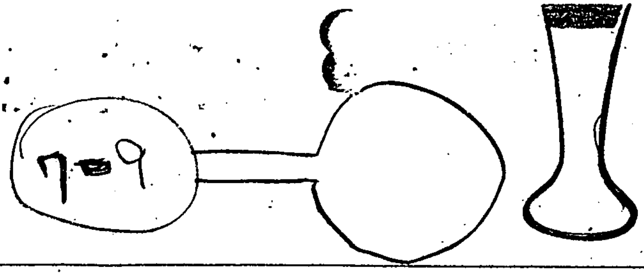
by or Dom Sout people who openly used of any U.S. cit who has info to volunteer.

ck

Drugs → ?

3. re that Doc not be able help — people that could — even & telling why not withhold enable people to —

14-00000



Perry was found guilty